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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/980,434	11/28/2001	Hiroyuki Yamamoto	9683/95	3419

7590 05/16/2005

Brinks Hofer Gilson & Lione
P O Box 10395
Chicago, IL 60610

EXAMINER	
RAMPURIA, SHARAD K	
ART UNIT	PAPER NUMBER
2683	

DATE MAILED: 05/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/980,434	YAMAMOTO ET AL.	
	Examiner	Art Unit	
	Sharad Rampuria	2683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 December 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-62* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-62* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Response to Amendment

Applicant's arguments with respect to claims 1-62 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

I. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-11, 14-36, & 39-62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chern (US 6609005) in view of Hashimoto (GB 2322248 A).

1. Regarding Claims 1, 14-19, 27, 40, 43-44, 49, 52-54 Chern disclosed a location reporting method (abstract), comprising the steps of:

acquiring by said mobile communication terminal location information indicating the location of itself; (col.10; 41-52) and

transmitting, by said mobile communication terminal, after adding said acquired location information to said received data, said data to said computer as up data. (col.10; 57-col.11; 10)

Chern fails to disclosed receiving by a mobile communication terminal, from a computer through a mobile communication network, down data containing a request for location information. However, Hashimoto teaches in an analogous art, that receiving by a mobile communication terminal, from a computer (central system; Fig.5) through a mobile communication network, down data containing a request (S 21; Fig.5) for location information; (Pg.21; 8-20 and Abstract) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include receiving by a mobile communication terminal, from a computer through a mobile communication network, down data containing a request for location information in order to acquire the position of an information processed by the central system.

2. Regarding Claims 2-7, 28-32, 50-51, 55-57, 61-62 Chern disclosed A location reporting method as described in claims 1, 27, 49 respectively, wherein said steps performed by said mobile communication terminal further include the step of: detecting whether said down data contains a character string requesting location information acquisition time; wherein, said acquiring step further includes acquiring the acquisition time of said location information; and

wherein, said transmitting step further includes adding said acquired location information acquisition time before transmission. (col.10; 57-col.11; 10)

8. Regarding Claims 8-10, 33-35, 58-60 Chern disclosed all the particulars of the claim except location information are acquired and transmitted at predetermined intervals. However, Hashimoto teaches in an analogous art, that A location reporting method as described in claims 1, 27, 49 respectively, wherein, after said down data is received, said location information are acquired and transmitted at predetermined intervals. (Pg.21; 8-20) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include location information are acquired and transmitted at predetermined intervals in order to acquire the position of an information processed by the central system periodically.

11. Regarding Claims 11, 36 Chern disclosed A location reporting method as described in claims 1, 27 respectively, wherein, said acquiring step includes generating, by said mobile communication terminal, the location of itself using a global positioning system. (col.5; 48-60)

20. Regarding Claims 20, 37 Chern disclosed A location reporting method as described in claims 1, 27 respectively, wherein, said computer is an information providing server for providing said mobile communication terminal with location-related information relating to the location of said mobile communication terminal. (col.4; 37-41)

21. Regarding Claim 21, Chern disclosed A location reporting method as described in claim 1, wherein, said computer is a terminal connected to a network and capable of transmitting and receiving data by radio or wire. (col.4; 27-31)

22. Regarding Claim 22, Chern disclosed A location reporting method as described in claim 1, wherein, said mobile communication terminal is a portable telephone for performing phone conversations by radio. (col.4; 27-31)

23. Regarding Claims 23, 46 Chern disclosed A location reporting method for reporting (abstract), comprising the steps of:
acquiring by said mobile communication terminal location information indicating the location of itself for use by a destination mobile communication terminal; (col.10; 41-52) and
transmitting, by said mobile communication terminal, said network address for receipt by said destination mobile communication terminal after adding said acquired location information to a network address. (col.10; 57-col.11; 10)

Chern fails to disclosed a predetermined computer, location information of a mobile communication terminal acquired in a mobile communication network serving the mobile communication terminal which is capable of performing radio communication. However, Hashimoto teaches in an analogous art, that a predetermined computer (central system; Fig.5), location information of a mobile communication terminal acquired in a mobile communication network serving the mobile communication terminal which is capable of performing radio communication (Pg.21; 8-20 and Abstract) said mobile communication terminal retrieving from

memory a pre-stored network address indicative of a server that provides map location information that is accessible by said destination mobile communication terminal in conjunction with said location information (Pg.21; 8-20, Pg.28; 11-23 and Abstract) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include a predetermined computer, location information of a mobile communication terminal acquired in a mobile communication network serving the mobile communication terminal which is capable of performing radio communication in order to acquire the position of an information processed by the central system.

24. Regarding Claims 24, 47 Chern disclosed A location reporting method as described in claims 23, 46 respectively wherein, said acquiring step includes generating by said mobile communication terminal the location of itself using a global positioning system (hereinafter referred to as the GPS). (col.5; 48-60)

25. Regarding Claim 25, Chern disclosed A location reporting method as described in claims 23, 46 respectively, wherein, said computer is a terminal connected to a network and capable of transmitting and receiving data by radio or wire. (col.4; 27-31)

26. Regarding Claims 26, 48 Chern disclosed A location reporting method as described in claims 23, 46 respectively, wherein, said mobile communication terminal is a portable telephone for performing phone conversations by radio. (col.4; 27-31)

39. Regarding Claim 39, Chern disclosed A mobile communication terminal as described in claim 27, wherein, said acquiring means is capable of acquiring location information by a plurality of different location measuring methods, and said down data contains information designating a location measuring method; wherein, said acquiring means includes means for selecting a location measuring method designated by said down data, from among said plurality of the location measuring methods; and wherein, said transmitting means transmits, carried on said up data, location information acquired by said acquiring means according to said selected location measuring method. (col.5; 48-60 & col.4; 13-19)

41. Regarding Claim 41, Chern disclosed A mobile communication terminal as described in claim 39, wherein, said location measuring method includes either one of a method using a global positioning system, or a method of identifying a base station covering an area in which said mobile communication terminal is located. (col.5; 48-60 & col.4; 13-19)

42. Regarding Claim 42, Chern disclosed A mobile communication terminal as described in claim 39, wherein said location information contains: latitude and longitude; or information based on an administrative classification. (col.4; 13-20)

45. Regarding Claim 45, Chern disclosed A mobile communication terminal as described in claim 27, wherein said mobile communication terminal is a portable telephone for performing phone conversations by radio. (col.4; 27-31)

Claims 12-13, & 37-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chern & Hashimoto further in view of Fan et al. (US 5959577).

12. Regarding Claim 12, The above combination disclosed all the particulars of the claim except transmitting, by said mobile communication terminal, a request signal requesting a predetermined node of said mobile communication network to generate the location information. However, Fan teaches in an analogous art, that A location reporting method as described in claim 1, wherein, said acquiring step includes the steps of: transmitting, by said mobile communication terminal, a request signal requesting a predetermined node of said mobile communication network to generate the location information; generating, by said predetermined node, the location information of said mobile communication terminal in response to said request signal and transmitting said location information to said terminal; and receiving, by said mobile communication terminal, the location information transmitted from said node. (col.7; 47-67) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include transmitting, by said mobile communication terminal, a request signal requesting a predetermined node of said mobile communication network to generate the location information in order to provide a data network, such as the Internet, is involved in locating mobile units.

13. Regarding Claim 13, The above combination disclosed all the particulars of the claim except a plurality of satellites. However, Fan teaches in an analogous art, that A location reporting method as described in claim 12, further comprising the step of: receiving, by said mobile communication terminal, radio waves transmitted from a plurality of satellites constituting a

global positioning system; wherein, said step of transmitting request signal includes transmitting information contained in a plurality of said received radio waves, together with said request signal; and wherein, said step of generating location information includes generating said location information using the information contained in said plurality of radio waves. (8; fig.1; col.5; 2-7) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include a plurality of satellites in order to provide a GPS receiver, position information of a mobile unit is determined from positioning signals received from GPS satellites and pseudo-ranges derived from the positioning signals.

37. Regarding Claim 37, The above combination disclosed all the particulars of the claim except transmitting, by said mobile communication terminal, a request signal requesting a predetermined node of said mobile communication network to generate the location information. However, Fan teaches in an analogous art, that A mobile communication terminal as described in claim 27, wherein, said acquiring means includes: request transmitting means for transmitting a request signal requesting a predetermined node of said mobile communication network to generate the location information; and location information receiving means for receiving the location information transmitted, in response to said request signal, from said node. (col.7; 47-67) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include transmitting, by said mobile communication terminal, a request signal requesting a predetermined node of said mobile communication network to generate the location information in order to provide a data network, such as the Internet, is involved in locating mobile units.

38. Regarding Claim 38, The above combination disclosed all the particulars of the claim except a plurality of satellites. However, Fan teaches in an analogous art, that A mobile communication terminal as described in claim 37, further comprising: means for receiving radio waves transmitted from a plurality of satellites constituting a global positioning system, wherein, said request signal transmitting means transmits information contained in said plurality of received radio waves, together with said request signal. (8; fig.1; col.5; 2-7) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include a plurality of satellites in order to provide a GPS receiver, position information of a mobile unit is determined from positioning signals received from GPS satellites and pseudo-ranges derived from the positioning signals.

II. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharad Rampuria whose telephone number is (571) 272-7870. The examiner can normally be reached on Mon-Fri. (8:10-4:40).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (571) 272-7872. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://portal.uspto.gov/external/portal/pair. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or EBC@uspto.gov.

Sharad Rampuria
Examiner
Art Unit 2683

5 May 2005

WILLIAM TROST
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600